

REMARKS

Applicant has carefully reviewed the Application in light of the Office Action mailed November 10, 2005. At the time of the Office Action, Claims 1-43 were pending in the Application. Applicant amends Claims 9-13, 15, 18-20, 23-25, 31 and 36 without prejudice or disclaimer. Applicant's amendments have been done to advance prosecution in this case and not to overcome prior art. Applicant respectfully requests reconsideration of the pending claims and favorable action in this case.

Consideration of Information Disclosure Statement

Applicant has submitted an Information Disclosure Statement (IDS) with this Response. Applicant respectfully requests the Examiner to review this IDS and to formally indicate that these materials have been considered in the context of the pending prosecution. Applicant suggests the Examiner use a PTO-1449 to provide written notification to this effect.

Claim Objections

The Examiner made objections to Claims 15, 18-20, 23-24, and 36 under 37 C.F.R. § 1.75. *Office Action*, p. 2. Applicant amends Claims 15, 18-20, 23-24, and 36 to address the Examiner's concern. Accordingly, Applicant respectfully requests reconsideration and allowance of Claims 15, 18-20, 23-24, and 36.

Section 112 Rejection

The Examiner rejects Claims 11-13 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. *Office Action*, p. 2. Applicant amends Claims 11-13 to address the Examiner's rejection. Accordingly, Applicant respectfully requests reconsideration and allowance of Claims 11-13.

Section 103 Rejection

The Examiner rejects Claims 1-43 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Publication No. 2003/0219029 issued to Pickett (hereinafter "Pickett") in view of

U.S. Patent No. 4,839,640 issued to Ozer et al. (hereinafter “*Ozer*”). “To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references.” M.P.E.P. § 706.02(j) (citing *Ex parte Clapp*, 227 U.S.P.Q. 972, 973 (Bd. Pat. App. & Inter. 1985)). Applicants respectfully submit that the Examiner does not present either to support the rejection under 35 U.S.C. § 103(a).

Applicant respectfully submits that the combination fails to disclose, teach, or suggest each limitation recited in Applicant’s claims. The Examiner states that *Pickett* does not disclose “selectively accepting packets in response to a power failure.” *Office Action*, p. 5. The Examiner instead relies on *Ozer*. *Office Action*, p. 5. However, Applicant asserts that *Ozer* does not disclose, teach, or suggest “selectively accepting packets in response to a power failure.” Instead, *Ozer* provides for a security, or access control, system that grants access to controlled areas by relying on limited information stored on an individual card reader in the area when a central console operation fails. Col. 2, ll. 30-34. Therefore, *Pickett* and *Ozer*, alone or in combination, fail to disclose, teach, or suggest at least this limitation. Accordingly, Applicants respectfully request reconsideration and allowance of independent Claim 1 and its dependents.

Independent Claims 24, 34, 36, and 37 each recite certain limitations that, for reasons substantially similar to those discussed with reference to independent Claim 1, *Pickett* and *Ozer*, alone or in combination, do not disclose, teach, or suggest. Therefore, Applicant respectfully requests reconsideration and allowance of independent Claims 24, 34, 36, and 37 together with their dependents.

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PATENT APPLICATION
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11

CONCLUSION

Applicant has now made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for all other reasons clear and apparent, Applicant respectfully requests reconsideration and allowance of the pending claims.

Applicant submits herewith a check in the amount of \$180.00 to cover the cost of the IDS filing fee. However, if this is not the case, the Commissioner is hereby authorized to charge any amount required or credit any overpayment to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

If there are matters that can be discussed by telephone to advance prosecution of this application, Applicant invites the Examiner to contact its attorney, Barton E. Showalter, at (214) 953-6509.

Respectfully submitted,
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